

No. 25.—AN ACT IN AMENDMENT OF ACT NO. 65 OF THE ACTS OF 1884, RELATING TO TOWN LIBRARIES.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. That Act No. 65 of the acts of 1884, relating to town libraries, shall be amended so as to read as follows:

Towns, cities and incorporated villages, may appropriate for suitable buildings or rooms, and for the foundation of such library, a sum not exceeding three dollars for each of the ratable polls in such town, city or incorporated village in the preceding year; and may also appropriate annually for the maintenance, care and increase thereof such sum of money as said town, city or incorporated village may vote at its annual meeting; and may receive, hold and manage any devise, bequest or gift for a public library.

SEC. 2. This act shall take effect from its passage.
Approved November 20, 1894.

No. 37.—AN ACT TO PROMOTE THE ESTABLISHMENT OF FREE PUBLIC LIBRARIES.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. The Governor shall appoint five persons, residents of the State, who shall constitute a board of library commissioners. The Governor shall designate the chairman thereof. One member of said board shall be appointed for the term of five years, one for four years, one for three years, one for two years and one for one year; and thereafter the term of office of the commissioners shall be five years. All vacancies on said board, whether occurring by expiration of term or otherwise, shall be filled by the Governor.

SEC. 2. The librarian or trustees of any free public library may ask said board for advice in regard to the selection of books, the cataloging of books and any other matters pertaining to the maintenance or administration of the library; and the board shall give such advice in regard to said matters as it shall find practicable. The board shall make a report of its doings biennially to the general assembly.

SEC. 3. Said board shall expend, upon the application of the board of library trustees of any town having no free public library owned and controlled by the town, a sum not exceeding one hundred dollars for books for any such town entitled to the benefit of this act; such books shall be used by said trustees for the purpose of establishing a free public library, and said commissioners shall select and purchase all books so provided.

SEC. 4. No town shall be entitled to the benefits of this act until such town has elected a board of library trustees and voted to instruct such board to make an application to the state board of library commissioners under this act, and until such trustees have provided in a manner satisfactory to the state board for the care, custody and distribution of the books furnished in accordance with this act. The provisions of number three of the acts of 1892 shall apply to the election of boards of library trustees under this section and to said trustees when so elected.

SEC. 5. Any town which has voted to instruct its library trustees to make an application to the state board of library commissioners under this act shall annually appropriate for the maintenance of its free public library a sum not less than fifty dollars, if its grand list is ten thousand dollars or upward, or a sum not less than twenty-five dollars, if its grand list is less than ten thousand dollars and not less than twenty-five hundred dollars, or a sum not less than fifteen dollars, if its grand list is less than twenty-five hundred dollars.

SEC. 6. No member of the state board of library commissioners shall receive any compensation, but the board may expend a sum not exceeding three hundred dollars annually for necessary expenses in the discharge of its duties, including all expenses for the transportation of books; and all sums lawfully expended by said board under the provisions of this act shall be paid from the state treasury.

SEC. 7. Whenever any town shall have accepted the conditions prescribed by this act the State board of library commissioners shall certify to the State Auditor and he shall draw an order upon the Treasurer payable to said commissioners for one hundred dollars to be expended in the purchase of books as provided in this act.

SEC. 8. The state board of library commissioners shall have the power to make such rules for their own government, and for the care of the libraries which may be furnished by the State as they may deem expedient, and not inconsistent with the laws of this State.

SEC. 9. This act shall take effect from its passage, and shall be subject to future legislation to alter, amend or repeal.
Approved November 6, 1894.

No. 38.—AN ACT TO FACILITATE THE ESTABLISHMENT OF FREE PUBLIC LIBRARIES IN CITIES, VILLAGES AND TOWNS OF THIS STATE BY DEVISE OR ENDOWMENT.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1.—That whenever property, real or personal, has heretofore been or shall hereafter be devised or bequeathed by last will and testament, or granted, conveyed or donated by deed or other instrument, to trustees to be applied by them to the foundation and establishment in any of the cities, villages and towns of this State of a free public library, it shall be lawful, when not otherwise provided in said will or other instrument of gift, for the acting trustees in any such case, in order to promote the better establishment, maintenance and management of such library, to cause to be formed a corporation under the provisions of this act, with the rights, powers and privileges hereinafter provided.

SEC. 2. Such acting trustees may make, sign and acknowledge before any officer authorized to take acknowledgments of deeds in this State, and file in the office of the Secretary of State, a statement in writing, in which shall be set forth the intent of such trustees to form a corporation under this act; a copy of the will or other instrument by which endowment of said library has been provided; the name adopted for the proposed corporation (which shall not be the name of any other corporation already existing); the city, village or town in which the library, and the principal place of business of the corporation will be located; the number of managers who may be denominated trustees, managers or directors of the corporation; and the names of the trustees, managers or directors who are to constitute the original board of such officers, and who shall hold until their successors respectively are elected and qualified, as in this act provided.

SEC. 3. Upon the filing in his office of such statement as aforesaid the Secretary of State shall issue to the incorporators, under his hand and the seal of State a certificate, of which the aforesaid statement shall be a part, declaring that the organization of the corporation is perfected. The incorporators shall thereupon cause such certificate to be recorded in a proper record book for the purpose in the office of the County Clerk of the county in which the library is to be located; and thereupon the corporation shall be deemed fully organized and may proceed to carry out its corporate purposes, and may receive by conveyance, from the trustees under said will, deed or other instrument of donation, the property provided by will or otherwise as aforesaid for the endowment of said library, and may hold the same in whatever form it may have been received or conveyed by said trustees until such form shall be changed by the action of the said corporation.

SEC. 4. Organizations formed under this act shall be bodies corporate and politic to be known under the names stated in the respective certificates or articles of incorporation; and by such corporate names they shall have and possess the ordinary rights and incidents of corporations, and shall be capable of taking, holding and disposing of real and personal estate for all purposes of their organization. The provisions of any will, deed or other instrument by which endowment is given to said library and accepted by said trustees, managers or directors shall, as to such endowment, be a part of the organic and fundamental law of such corporation.

The trustees, managers or directors of any such corporation shall compose its members, and shall not be less than five nor more than nine in number; shall elect the officers of the corporation from their number; and shall have control and management of its affairs and property; may accept donations, and in their discretion hold the same in the form in which they are given, for all purposes of science, literature and art germane to the object and purpose of said corporation. They may fill by election, subject to the approval of the Chief Justice for the time being, of the Supreme Court of Vermont, vacancies occurring in their own number by death, incapacity, retirement or otherwise, and may make lawful by-laws for the management of the corporation and of the library, which by-laws shall set forth what officers there shall be of the corporation, and shall define and prescribe their respective duties. They may appoint and employ from time to time such agents and employees as they may deem necessary for the efficient administration and conduct of the library and other affairs of the corporation. Whenever any trustee, manager or director shall be elected to fill any vacancy, a certificate under the seal of the corporation, giving the name of the person elected, shall be recorded in the office of the County Clerk where the articles of incorporation are recorded.

Whenever, by the provisions of such will, deed or other instrument by which endowment is created, the institution endowed is declared to be and is free and public, the library and other property of such corporation shall be forever exempt from taxation.

The trustees, managers or directors of such corporation shall, in the month of January in each year, cause to be made a report to the Governor of the State, for the year ending on the 31st day of December, preceding, of the condition of the library and of the funds and other property of the corporation showing the assets and investments of such corporation in detail.

SEC. 5. This act shall take effect from and after its passage.
Approved November 27, 1894.

No. 39.—AN ACT TO PROVIDE LIBRARIES WITH CERTAIN PUBLIC DOCUMENTS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. When a town has established a public library under the provisions of No. 53, of the acts of 1892, said town may at any annual meeting vote to place in such library a copy of such documents and volumes heretofore received by said town for it or its town clerk's office, as it shall designate, and also a copy of such documents and volumes hereafter to be received from the State, except the Vermont reports and other books and documents provided by law to be kept in the town clerk's office, as it shall designate; the ownership of such books to continue in the town, but their use to be enjoyed by the library till said town shall otherwise vote.

SEC. 2. The State librarian is directed to deliver to any town public library that shall have been voted by its town the use of books owned as above by the town, such duplicate documents and volumes published or provided by the State as can in the judgment of the trustees of the State library be delivered without prejudice to the State library. Said books to be delivered on application stating what books have already been received from the town, and the property in said books to remain in the State, but their use to be in the public library to which they shall be delivered until the State librarian shall be directed by law to demand their return to the State library.

SEC. 3. When a public library exists in a town and is not established under the provisions of said act No. 53, of 1892, said town may at any annual meeting by a two-thirds vote make the provisions named in section 1 of this act, in respect to use by the library of books therein named owned by the town; and in case of such vote the provisions of section 2 of this act shall apply to such library the same as if it were organized under said act No. 53, of 1892.

SEC. 4. The clerk of each town, village and city in this State shall each year supply any library in the town or city in which he lives with two copies of the annual reports (if printed) of his town, village or city; and shall also send to the State library for its use two copies of the same. Said copies shall be so delivered by the clerk within two weeks after receipt of such printed reports by him. And officers making such printed reports are hereby directed to supply the town, village or city clerk with the four copies necessary for him to comply with the provisions of this section.

SEC. 5. The first three sections of this act shall apply to cities as well as towns.
Approved November 27, 1894.

No. 40.—AN ACT TO AMEND SECTION ONE, NUMBER SIXTY-SIX, LAWS OF 1888, ENTITLED "AN ACT AMENDING SECTION EIGHT HUNDRED AND TWENTY OF THE REVISED LAWS, RELATING TO JUSTICES OF THE PEACE," AS AMENDED BY SECTION ONE, NUMBER THIRTY-SEVEN, LAWS OF 1892. (V. S., SECTIONS NINE HUNDRED AND SEVENTY-EIGHT TO NINE HUNDRED AND EIGHTY, AS PROPOSED.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1, of number 66, Laws of 1888, as amended by section 1, number 37, Laws of 1892, is amended so as to read as follows:

Each justice, before entering upon his duties, shall deposit with the clerk of the county a copy of his official oath, which may be taken at any time after receiving his commission, signed by himself, with a certificate of the magistrate administering the same, or shall return his commission to the governor. The return of such commission, or the failure to qualify for sixty days from the date of the same, shall be deemed a resignation by such justice, and the governor may commission a suitable person to fill the vacancy. If a justice willfully neglects to make such deposit with the county clerk or to return his commission to the governor for sixty days from date thereof, he may be fined not more than one hundred dollars, and the county court shall have sole jurisdiction of such offense. The clerk of each county shall return to the secretary of State and town clerks of the respective towns in his county the names of all justices who qualify as aforesaid. The county clerk shall not certify to the election of such justice or his authority to discharge the duties of his office until such oath and certificate are received by him.

SEC. 2. This act shall take effect from its passage.
Approved Nov. 12, 1894.

No. 41.—AN ACT IN AMENDMENT OF SECTION EIGHT HUNDRED AND SEVENTY OF REVISED LAWS RELATING TO SERVICE OF PROCESS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. No process except escape warrants, warrants for apprehending a principal in favor of bail, and in case of treason, fel-

ony, and misdemeanors, shall be served or executed on a resident of the United States after twelve o'clock at night on Saturday until twelve o'clock at night of the following Sunday; and any such attempted service thereof shall be void.
Approved November 1, 1894.

No. 42.—AN ACT IN AMENDMENT OF SECTION ONE OF ACT NUMBER 67 OF THE LAWS OF 1888.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 1 of the laws of 1888, No. 67, is hereby amended so as to read as follows:

No personal property shall be exempt from attachment and execution in a suit brought to recover payment for the purchase price thereof, or for material or labor expended on the same.

SEC. 2. This act shall take effect from its passage.
Approved October 24, 1894.

No. 43.—AN ACT TO AMEND SECTION SIX OF NUMBER SEVENTY-ONE, LAWS OF 1882, ENTITLED "AN ACT CONCERNING ASSOCIATIONS AND JOINT STOCK COMPANIES," AND SECTIONS ONE AND TWO OF NUMBER FORTY-SIX, LAWS OF 1884, ENTITLED "AN ACT PROVIDING FOR SERVICE OF PROCESS ON FOREIGN INSURANCE, EXPRESS, TELEGRAPH AND TELEPHONE COMPANIES." (V. S., AS PROPOSED, SECS. 4043 TO 4045.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section six of No. 71 of the Laws of 1882, and Section one of No. 46 of the Laws of 1884, are amended so as to read as follows:

No foreign insurance, express, shipping car, telegraph or telephone company, or a foreign company under any other name engaged in like business, whether said company is a corporation or co-partnership, shall do business in this State, until it has filed with the Secretary of State a written stipulation containing the name of the corporation and the place where chartered, or, if a co-partnership, the firm name and the names and residences of the co-partners, and agreeing that legal process affecting such company, served on said Secretary of State, shall have the same effect as if served personally on said corporation or co-partners within this State; and such stipulation shall not be revoked or modified so long as any resident of this State has a cause of action against the stipulating company. Service of process according to the stipulation shall be sufficient, and a copy of such stipulation certified by the Secretary of State and his certificate that process has been served on him shall be sufficient evidence thereof.

SEC. 2.—Section 2 of No. 46, Laws of 1884, is amended so as to read as follows:

Process against or affecting any such foreign corporation, company or co-partnership may be served on the Secretary of State by duplicate copies, one of which shall be immediately forwarded by the Secretary of State, by mail, prepaid, to the corporation, company or co-partnership at its home office, or to a person whom it designates; and there shall be paid to the Secretary of State by the officer at the time of such service the sum of one dollar.

Approved November 27, 1894.

No. 44.—AN ACT RELATING TO THE SERVICE AND RETURN OF PROCESS, AND TO AMEND SECTION 10, OF ACT NO. 28, OF THE ACTS OF 1892. (V. S., AS PROPOSED, SEC. 1030.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Section 10, of No. 28, of the acts of 1892, is hereby amended so as to read as follows:

Section 10. The defendant shall cause his appearance therein to be entered with the clerk on or before the expiration of forty-two days from the date of such writ.

SEC. 2. When more than one defendant is named in the writ or process mentioned in Section eight (8) of Number 28, of the acts of 1892, and service thereof is made upon one of such defendants, and return made of the writ as provided in Section nine (9) of said act, if personal service thereof is not made upon a defendant by reason of his absence from the State, the clerk may issue a certified copy of such writ or process to be by him made returnable within twenty-one days from the date of such issue, and the same may be served like the original writ and with the same effect.

SEC. 3. This act shall take effect on the first day of January, A. D. 1895.
Approved November 27, 1894.

No. 45.—AN ACT IN AMENDMENT OF SECTIONS 1587, 1588, 1589, 1590 AND 1591 OF THE REVISED LAWS, RELATING TO LEVY UPON RENTS. (V. S. SECTION 1774 TO SECTION 1780, INCLUSIVE.)

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. Sections 1587, 1588, 1589, 1590 and 1591, of the Revised Laws, are hereby amended so as to read as follows, viz.:

The rents, issues and profits of real estate leased for life or years, or leased to a person, his heirs and assigns perpetually, or so long as the lessee, his heirs and assigns perform the services or render the rents reserved, may be taken on execution by a creditor of the person entitled to receive the same.

SEC. 2. The officer levying an execution on the rents, issues and profits mentioned in the preceding section shall lodge in the clerk's office of the town where by law a deed of the real estate, yielding or paying such rents, issues and profits, is required to be recorded, a certified copy of the execution, stating that he is directed to levy the same on the rents, issues and profits of the real estate, and designating such real estate as in attachment. He shall, within ten days thereafter, serve a written notice of such levy upon the tenant in possession of the described real estate, by delivering the same to him personally, or leaving it at his last and usual place of abode.

SEC. 3. Within fifteen days from the time he receives such notice, the tenant in possession shall make a written return under oath to such officer, stating therein the time for which he claims the right to hold such real estate, the amount of the rents, issues and profits he yields or pays, or has agreed to yield or pay for the use thereof, to whom, when, and in what manner the same are payable, and the amount, if any, then due.

SEC. 4. After receiving such return, the officer may sell at public auction the debtor's right, title or interest to collect and receive such rents, issues and profits, in whole or part satisfaction of such execution. Notice of the sale shall be given in the same time and manner, and the sale made as sales of real estate on execution, except that the officer shall sell the right to collect and receive such rents, issues and profits for the least time sufficient to satisfy such